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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: GEORGIA KATHLENE DESCH, a.k.a. GEORGIA KATHLENE GIANNOPOULOS, a.k.a. GEORGIA KATHLEEN SILVA 44242 Trubuco Road Coarsegold, CA 93614-9058 Registered Nurse License No. 577455 Respondent.	Case No. 2009-33 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

2. On or about February 21, 2001, the Board issued Registered Nurse License Number 577455 to Georgia Kathlene Desch, also known as Georgia Kathlene Giannopoulos and Georgia Kathleen Silva ("Respondent"). Respondent's registered nurse license was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2010, unless renewed.

STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2761 states, in pertinent part:

> The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
>
> (a) Unprofessional conduct, which includes, but is not limited to, the following:
>
> (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions . . .

5. California Code of Regulations, title 16, section ("Regulation") 1442 states:

> As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

COST RECOVERY

6. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

7. At all times herein mentioned, Respondent was employed as a registered nurse in the Explorer Unit, an acute care area of Children's Hospital - Central California, located in Madera, California (hereinafter "Children's Hospital").

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8. On November 2, 2002, Respondent was changing the patient controlled analgesia (PCA) bag for Patient A. Respondent asked registered nurse L. Y. to verify the PCA bag change. L. Y. observed that the new bag was already "spiked" (the bag was punctured and the medication tubing was placed into the bag) and that the medication in the bag, morphine sulfate, was not for Patient A (Patient A was being administered Bupivicaine and Fentanyl through his epidural at a rate of 7 cc per hour; the morphine was intended for Patient B). L. Y. pointed out to Respondent that she had placed the wrong epidural bag for Patient A. The morphine bag was removed and wasted as witnessed by L. Y. Respondent documented the wastage of the morphine as occurring on October 31, 2002, on the Controlled Substance Narcotic Record.

9. Later that same day, Respondent pulled L. Y. into another patient's room and asked L. Y. not to report Respondent's medication error. Respondent told L. Y. that she would be terminated from her employment if anyone found out about the error.

10. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about November 2, 2002, while employed as a registered nurse in the Explorer Unit of Children's Hospital, Respondent was guilty of gross negligence within the meaning of Regulation 1442, as follows:

a. Respondent reported to work even though her ability to practice nursing safely was impaired due to physical illness.[1]

b. Respondent failed to read the label of the medication (morphine sulfate) she procured from narcotics storage, and failed to check Patient A's arm band and compare it to the label on the syringe before inserting the syringe into the patient's PCA. As a result, Respondent attached a medication to the analgesia pump that was intended for another patient.

c. Respondent attempted to conceal the medication error, described in subparagraph (b) above, by falsifying the Controlled Substance Narcotic Record (Respondent

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1. Respondent provided a declaration under penalty of perjury to an investigator with the Division of Investigation, Department of Consumer Affairs, in which she stated that she was experiencing a health problem on the day of the incident which "distracted her" from her nursing duties.

documented on the record that on October 31, 2002, she wasted 120 cc of Patient B's morphine I.V. bag as witnessed by L. Y. when, in fact, Respondent wasted the medication on November 2, 2002).

d. Respondent attempted to conspire with another professional in order to conceal the medication error, described in subparagraph (b) above, by asking registered nurse L. Y. not to report the incident.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

11. Complainant incorporates by reference as though fully set forth herein the allegations contained in paragraphs 7 through 9 above.

12. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a), in that on or about November 2, 2002, while employed as a registered nurse in the Explorer Unit of Children's Hospital, Respondent committed acts constituting unprofessional conduct, as set forth in paragraph 10 above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 577455, issued to Georgia Kathlene Desch, also known as Georgia Kathlene Giannopoulos and Georgia Kathleen Silva;

2. Ordering Georgia Kathlene Desch, also known as Georgia Kathlene Giannopoulos and Georgia Kathleen Silva, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: 8/13/08.

RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant